IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Writ Petition No. 52l9 of 2004

Ms Rabia Ismail Shaikh....petitioner

vs

The State of Mah and ors ..respondents

Mr Rajendra Pai with A A Kocharekar for petitioner

Mr P I Khemani AGP for State

Mr. Abhay Thorat for respondent no. 3 and 4

CORAM: A.P.SHAH & S.U.KAMDAR JJ.

lst October, 2004

P.C.

Heard advocates.

According to the respondent nos. 3 and 4 at the most the petitioner is liable to be paid honorarium on clock hour basis and as per the relevant circulars of the University the amount payable to the petitioner comes to Rs.26,l00/-. This is disputed by the petitioner, who claims that she was a full time teacher and she is entitled to get

salary as a full timer.It is not possible to resolve this dispute in writ jurisdiction under Art 226. Petitioner is at liberty to adopt appropriate proceedings for recovery of salary as full time teacher.

As there is no dispute that the petitioner is entitled to honorarium on clock hour basis the management cannot withheld the amount which according to the management comes to Rs.26,l00. We direct the respondent nos. 3 and 4 to pay the said amount of Rs 26,l00 to the petitioner within 8 weeks from today.

Petition is accordingly disposed of.